

August 4, 2024

Mr. Thomas Mooney  
Planning Director  
City of Miami Beach  
1700 Convention Center Drive, 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139

Re: **Revised Letter of Intent for a Certificate of Appropriateness and front Setback Variance for HPB File No.: HPB24-0628, for the Property Located at 900 Ocean Drive, Miami Beach, Florida 33139**

Dear Tom:

As you know, this law firm represents David Wallack Real Estate, LLC d/b/a Mango's Tropical Café (the "Applicant" or Mango's Tropical Café) with regard to the above-referenced property (the "Property"). Please let the following serve as the required letter of intent in connection with a request for a Certificate of Appropriateness for Partial Demolition and Design Approval of a Glass Storefront Enclosure, including glass awning, which may require a front setback variance.

**Description of Property.** The Property consists of two (2), two-story (2) structures which were combined into a single Property, and is currently identified by the Miami-Dade County Property Appraiser by Folio No. 02-3234-008-0060. The Property is located on the northwest corner of 9<sup>th</sup> Street and Ocean Drive and encompasses approximately 19,052 square feet. It is located in the MXE (Mixed Use Entertainment) zoning district and the Ocean Drive/Collins Avenue Local Historic District. Currently the Property houses restaurant and retail uses.

Originally, there were two individual structures on the Property which were constructed as apartment buildings back in 1952: the Park Sea and the Surf Sea Apartments. Both structures were designed by architect, Gilbert M. Fein, in a Postwar Modern architectural style. The structures mirrored each other with an open courtyard in the middle. Although not officially unified until the 1970s the structures seemed to have always operated as one. In the 1970's, they operated as the Eastern Sun, the first adult congregate living facility (ACLF) in Miami Beach. The buildings were unified to create one cohesive project, and the interior side setbacks of the buildings were used to house an elevator and smaller courtyard. Later, in the 1990's and early 2000's the building again saw change through the incorporation of storefronts, for the first mixed use building on Ocean Drive. A rooftop, canopy, structure was also erected over the central courtyard and a front entry gate added.



Since its construction the Property has held uses such as hotel, co-op apartments, adult congregate living facilities, and more impressively as the restaurant known as Mango's Tropical Café.

As Mango's Tropical Café the Property has become an international sensation, boasting visitors from all over the world.

**Requests.** The applicant is seeking a Certificate of Appropriateness (COA) for partial demolition and design, in order to incorporate a glass storefront enclosure along the front (east) façade of Mango's Tropical Café. This glass storefront will incorporate a double door vestibule along the Ocean Drive entrance of the Property. The double door vestibule will assist in retaining sounds within the Property and not allow same to permeate throughout the neighborhood in the late night hours. Also, the glass storefront will be less distracting to the original architecture than the existing gate structure. It is important to note that the Historic Preservation Board (HPB) has already approved the enclosing glass structure. However, the Applicant returns to the HPB with a refined structure that continues to contain sound, while being minimally intrusive on the original configuration of the structures, but now re-introduces historic elements to the structure. Specifically, the Applicant proposes to reintroduce breeze block along the north and south portions of the entry, recalling the original architecture of the structures.

The Applicant also proposes to remove the existing, green, awning, directly in front of the main Mango's Tropical Café entrance<sup>1</sup>, and replace it with a lower scale glass awning. This glass awning will sit below the second story, allowing direct views of the property and highlighting the breeze block features of the architecture. This proposal will vastly improve upon the existing conditions and allow for better visibility of the remaining historic elements of the structure.

**Variance.** The Applicant requests a 20-foot variance from the minimum required front setback requirement pursuant to Section 7.2.13.3 of the Miami Beach Resiliency Code (hereinafter the "Code"), for the proposed glass awning. Pursuant to Section 7.5.3.2 b.1. of the Code, commercial awnings which are attached and supported by a building may extend from the front entrance of a structure to the street line. Awnings are described in Section 1.2.1 of the Code as detachable, roof like structures that are supported by the building. In this instance the proposed structure is attached to the structure, but the manner of detachability is not consistent with a traditional awning. Therefore, the Applicant requests a variance of the front setback requirement to allow the proposed glass awning to extend to the City sidewalk, consistent with the permissible encroachments considered within the Code. The granting of this variance would improve the historic character of this structure and would not have a negative impact on the neighborhood or the community at large.

**Satisfaction of the Practical Difficulty Criteria.** Consistent with Section 2.8.3 of the Resiliency Code, the Applicant's request satisfies all of the practical difficulty criteria as follows:

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<sup>1</sup> Although the Applicant proposes to remove the green awning located directly at the entrance of Mango's Tropical Café, this proposal retains the use of all other awnings and retractable umbrellas existing at the site.

1. **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;**

This Property is located on a corner and sits directly across Lummus Park and the Atlantic Ocean. Unlike properties that are inland and surrounded by other structures, this property is more exposed to the elements, not the least of which are stronger breezes coming in directly from the Atlantic Ocean. This condition creates a hardship and practical difficulty in designing and installing long-lasting structures that complement the historic nature of the buildings.

2. **The special conditions and circumstances do not result from the action of the applicant;**

The configuration and location of the lot exists through no action of the Applicant.

3. **Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

The Applicant will not derive any special privilege from the approval of this variance and is in line with the purpose and intent of the Code. Granting the requested variance will enable the Applicant to improve the historic character of the site while providing a reprieve from the elements. The Code allows other similarly situated property owners to seek similar variances.

4. **Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. This variance is requested in order to effectuate the development of the Property and improving the conditions in the neighborhood.

5. **The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

The proposed variance is consistent with the concepts enumerated under Section 7.5.3.2 b.1. of the Code, which allows commercial awnings that are attached and supported by a building to extend from the front entrance of a structure to the street line.

6. **The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;**

This variance will not be injurious to the area or otherwise detrimental to the public welfare. This request is consistent with the purpose and intent of the Code and promotes the public welfare.

- 7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and**

The variance requested is consistent with the City's Comprehensive Plan and does not reduce the levels of service as set forth in the plan.

- 8. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.**

The granting of this variance will result in a structure that complies with the sea level rise criteria, as more fully referenced below.

Sea Level Rise and Resiliency Criteria. The proposed development will also make for a more resilient property. This project advances the sea level rise and resiliency criteria in Section 7.1.2.4 of the Code, as follows:

- A. A recycling or salvage plan for partial or total demolition shall be provided.**

The Applicant will provide a recycling or salvage plan during permitting.

- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

All new proposed windows will be hurricane rated.

- C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

Passive cooling is incorporated into the design. Refer to the plans.

- D. Resilient landscaping (salt tolerant, highly water-absorbent, native, or Florida-friendly plants) shall be provided, in accordance with chapter 4 in Land Development Regulations.**

This application does not contemplate exterior renovations that would impact landscaping. The Applicant will continue to comply with all of the landscaping requirements for the properties located along Ocean Drive.

- E. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.**

The Property consists of existing contributing structures. The proposed renovations are cosmetic in nature and no elevation of the existing structures is proposed.

- F. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-way and adjacent land, and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to 3 additional feet in height.**

Not applicable.

- G. As applicable to all new construction, all critical mechanical and electrical systems shall be located above base flood elevation. All redevelopment projects shall, whenever practicable and economically reasonable, include the relocation of all critical mechanical and electrical systems to a location above base flood elevation.**

Proper precautions will be taken to ensure the any critical mechanical and electrical systems are located above base flood elevation.

- H. Existing buildings shall, wherever reasonably feasible and economically appropriate, be elevated up to base flood elevation, plus City of Miami Beach Freeboard.**

The existing, contributing, structures are to remain in their existing locations.

- I. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with chapter 54 in General Ordinances.**

Proper precautions will be taken to protect the Property from potential flooding incidents.

- J. As applicable to all new construction, stormwater retention systems shall be provided.**

Not applicable.

- K. Cool pavement materials or porous pavement materials shall be utilized.**

Not applicable.

- L. The design of each project shall minimize the potential for heat island effects on-site.**

The proposed design will improve the heat factor and increases air-flow on-site.

**Conclusion.** The Applicant's proposal is not only consistent with the character of the neighborhood and the intent of the Code, but it seeks to improve the neighborhood conditions. The enclosure, with the double-door vestibule, will assist in retaining sounds within the property and not allow their escape into the neighborhood in the late night hours. This addition will improve conditions for businesses and residents alike. Similarly, the addition of the breeze block elements and lower scale, glass, awning will improve visibility to the site and improve upon the historic character of the structure. We respectfully request your recommendation of approval of these requests. Should you have any questions or comments, please do not hesitate to contact my office.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,  
MHE LAW PA



Monika H. Entin

CC: Ms. Debbie Tackett,  
*Historic Preservation and Architectural Officer*

Mr. Jake Seiberling,  
*Principal Planner*